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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,464	12/05/2001	Scott Hartop	9595.00	2776

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EXAMINER

TIV, BACKHEAN

ART UNIT PAPER NUMBER

2151

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/007,464	HARTOP ET AL.	
Examiner	Art Unit	
Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-26 are pending in this application. This is a response to the Remarks/Amendment filed on 1/9/06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13,15-22,25,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over by US Patent 5,640,384 issued to Du in view of US Patent 6,502,131 issued to Vaid et al.(Vaid) in further view of US Patent 6,687,224 issued to Ater et al.(Ater).

As per claim 1, 16,25,26, Du teaches the method comprising(Abstract): each client informing a succeeding client in the chain of that bandwidth(Figs.2a-2c;each transceiver is informed of other transceiver's bandwidth); and each client, in response to a difference between the compared bandwidths, reordering its position among the clients in the chain(Abstract,col.4, lines 9-55).

Du however does not explicitly teach a client monitors its own bandwidth.

Vaid teaches that a client monitors its own bandwidth(col.3, lines 8-24, Figs.9-11).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Du to explicitly teach a client that monitors it's own bandwidth as taught by Vaid in order to measure quality of service in transferring data over the internet(Vaid, col.2, lines 12-22).

One ordinary skill in the art would have been motivated to combine the teachings of Du and Vaid to provide a method to monitor the flow of information among a network of clients(Vaid, col.2, lines 56-67).

Du in view of Vaid does not explicitly teach comparing bandwidth between two users and a method of optimizing data streaming in a peer-to-peer architecture including a plurality of clients in a chain.

Ater teaches a method of optimizing data streaming in a peer-to-peer architecture including a plurality of clients in a chain and further teaches that in the peer to peer sharing, the a peer monitors the bandwidth of another peer (Figs. 1-12, Abstract, col.4, lines 10-67).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Du in view of Vaid to instead monitor and compare the bandwidth of the user in a peer to peer architecture as taught by Ater in order to control the bandwidth of users in a peer to peer network(Ater, col.4, lines 50-67).

One ordinary skill in the art would have been motivated to combine the teachings of Du, Vaid and Ater in order to provide a system to control the bandwidth of users in a peer to peer network(Ater, col.4, lines 50-67).

As per claim 2, wherein each client identifies a preceding client in the chain to the succeeding client in the chain(Du, Figs.2a-2c, 4a-4b).

As per claim 3, wherein a detecting client detects that its bandwidth is greater than that of the preceding client in the chain and, in response, opens a connection with a client upstream of the preceding client(Du, Figs. 2a-2c).

As per claim 4, wherein the detecting client identifies a succeeding client in the chain to the preceding client in the chain(Du, Figs.3a-7).

As per claim 5, wherein the preceding client opens a connection with the identified succeeding client(Du, Figs.3a-7).

As per claim 6, 19, wherein the or each of the connections is opened concurrently with pre-existing connections between clients in the chain(Du, col.4, lines 30-56).

As per claim 7,20, wherein after the or each concurrent connection has been made to a client, the or each associated pre-existing connection to that client is dropped(Du, Figs.3a-7, col.4, lines 30-56).

As per claim 8,21, wherein the client switches to reading local buffer memory before the pre-existing connection is dropped(Du, col.4, lines 9-27).

As per claim 9, wherein, in the reordered chain, the detecting client receives streamed data via the connection from the client that was upstream of the preceding client(Du,col.6,lines 15-67).

As per claim 10, wherein the detecting client sends streamed data to the preceding client(Vaid, col.2, lines 12-22). Motivation to combine set forth in claim 1.

As per claim 11,22, wherein the pre-existing connection between the preceding client and the detecting client is reversed(Du, Figs.3a-7).

As per claim 12, wherein a replacement connection is opened between the preceding client and the detecting client(Du, Figs.3a-7, Vaid, Fig.11-12). Motivation to combine set forth in claim 1.

As per claim 13, in the reordered chain, the succeeding client receives streamed data via the connection from the preceding client(Vaid, col.7, lines7-21). Motivation to combine set forth in claim 1.

As per claim 15, wherein a client replenishes its local buffer memory after the chain has been reordered(Du, col.1, lines 25-54, Vaid, Fig.10-19). Motivation to combine set forth in claim 1.

As per claim 17, wherein a client includes address-providing means for receiving and storing the address of a preceding or succeeding client in the chain and providing that address to, respectively, the succeeding or preceding client in the chain(Vaid, Figs.10-12).Motivation to combine set forth in claim 1.

As per claim 18, wherein the comparison means of a client is

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associated with connection means for receiving the address of, and opening a connection with, a client upstream of the preceding client if the comparison means detects that the bandwidth of its associated client is greater than that of the preceding client in the chain(Du, Figs.2a-2c, Vaid, Figs.10-13). Motivation to combine set forth in claim 1.

Claims 14,23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over by US Patent 5,640,384 issued to Du in view of US Patent 6,502,131 issued to Vaid et al.(Vaid) in further view of US Patent 6,687,224 issued to Ater et al.(Ater) in further view of US Patent 5,784,527 issued to Ort

Du in view of Vaid in further view of Ater does not explicitly teach as per claim 14,23, wherein after the chain has been reordered, a client synchronizes a time code of data in local buffer memory with a time code of data received from a new streamed data input source before switching to data received from that source.

Ort teaches a client synchronizes a time code of data in local buffer memory with a time code of data received from a new streamed data input source before switching to data received from that source(col.2, lines 35-67).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Du in view of Vaid in further view of Ater to synchronize the transfer of data from one terminal to another as taught by Ort in order to handle errors when transferring data(Ort, col.2, lines 35-38).

One ordinary skill in the art would have been motivated to combine the teachings of Du, Vaid, Ater, and Ort in order to provide a method to handle errors when transferring data(Ort, col.2, lines 35-38).

As per claim 24, wherein a client comprises switch means responsive to the data synchronizing means to switch to data received from the new streamed data input source when the time codes are synchronized(Ort, col.2, lines 35-65).Motivation to combine set forth in claim 14.

Response to Arguments

Applicant's arguments, filed on 1/9/06, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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2151
3/27/06



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